

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 118-10**  
**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

Add at the end of subtitle A of title VI the following:

1 **SEC. \_\_\_\_ . FORGIVENESS OR OFFSET OF OVERPAYMENT OF**  
2 **RETIRED PAY PAID TO A JOINT ACCOUNT**  
3 **FOR A PERIOD AFTER THE DEATH OF THE**  
4 **RETIRED MEMBER OF THE ARMED FORCES.**

5 (a) WHEN PAYMENT DEPOSITED TO JOINT AC-  
6 COUNT.—Section 2771 of title 10, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9 “(e) In the case of overpayment of retired or retainer  
10 pay, arising from payment of such retired or retainer pay  
11 for any period after the date of the death of a recipient  
12 through the last day of the month in which such death  
13 occurs, if such payment is electronically deposited in an  
14 accredited financial institution to a joint account bearing  
15 the name of the decedent and another individual who is  
16 the decedent’s designated beneficiary under subsection  
17 (a)(1), the Secretary of Defense—

18 “(1) if the decedent is an individual to whom  
19 section 1448 of this title applies, shall elect to—

1           “(A) forgive the overpayment on behalf of  
2           the United States; or

3           “(B) offset the overpayment pursuant to  
4           section 1450(n) of this title; or

5           “(2) if the decedent is not an individual to  
6           whom section 1448 of this title applies, shall forgive  
7           the overpayment on behalf of the United States.”.

8           (b) COORDINATION WITH SURVIVOR BENEFIT  
9           PLAN.—Section 1450 of title 10, United States Code, is  
10          amended—

11           (1) in subsection (a), by inserting “, or that ap-  
12           plies under subsection (n)” after “under subsection  
13           (j)”;

14           (2) by adding at the end the following new sub-  
15           section:

16           “(n) SPECIAL RULE IN CASE OF CERTAIN FINAL RE-  
17           TIRED PAY OVERPAYMENT.—In a case described in sec-  
18           tion 2771(e) of this title, if the individual described in that  
19           subsection other than the decedent is the beneficiary of  
20           the decedent under the Plan, each of the first 12 pay-  
21           ments, following the death of the decedent, of the annuity  
22           payable to the decedent’s beneficiary under the Plan, shall  
23           be reduced by one-twelfth of such overpayment.”.

24           (c) EFFECTIVE DATE.—The amendments made by  
25           this section shall apply with respect to payments made to

1 persons who die on or after the date of the enactment of  
2 this Act.

